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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,107	09/16/2003	Akihiro Tsuchizaki	032405.153	1813
25461	7590	01/13/2006	EXAMINER	
SMITH, GAMBRELL & RUSSELL, LLP 1230 PEACHTREE STREET, N.E. SUITE 3100, PROMENADE II ATLANTA, GA 30309-3592			STERLING, AMY JO	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 01/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/663,107

Applicant(s)

TSUCHIZAKI, AKIHIRO

Examiner

Amy J. Sterling

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-8 and 10-21 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 21 is/are allowed.
6) ☒ Claim(s) 1,3-8 and 10-12 is/are rejected.
7) ☒ Claim(s) 13-20 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 16 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This is the **Final Office Action** for application number 10/663,107 License Plate Holding Bracket and the Holding Structure Thereof, filed on 9/16/03. Claims 1, 3-8, 10-21 are pending. This **Final Office Action** is in response to applicant's reply dated 10/21/05. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Applicant's amendment necessitated any new ground(s) of rejection presented in this Office action.

Claim Objections

Claims 3, 4, 6, 11 and 19 are objected to because of the following informalities:

It is not clear whether parts of a vehicle such as the "tailgate" are intended to be a positive limitation of the claim or merely an environment for use. This is only an example and not intended to be an exhaustive list. All situations in which this occurs in the claims should be addressed.

For example claim 1 recites, "a gate side fixing member fixed to the tailgate". If the "tailgate" is intended to be a positive limitation of the claim then the claim should recite "a tailgate". If the "tailgate" is intended to be an intended use of the holding bracket, then the limitations of the claims should be changed to incorporate functional language.

There are many typographical errors in the claims, examples shown below: The examples below are not intended to be an exhaustive list. All typographical errors should be corrected.

Claim 6 recites, "a plain shape" which is likely intended to be a "plane shape".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

Claims 1, 3, 4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Japan 2004-182152 to Ofu.

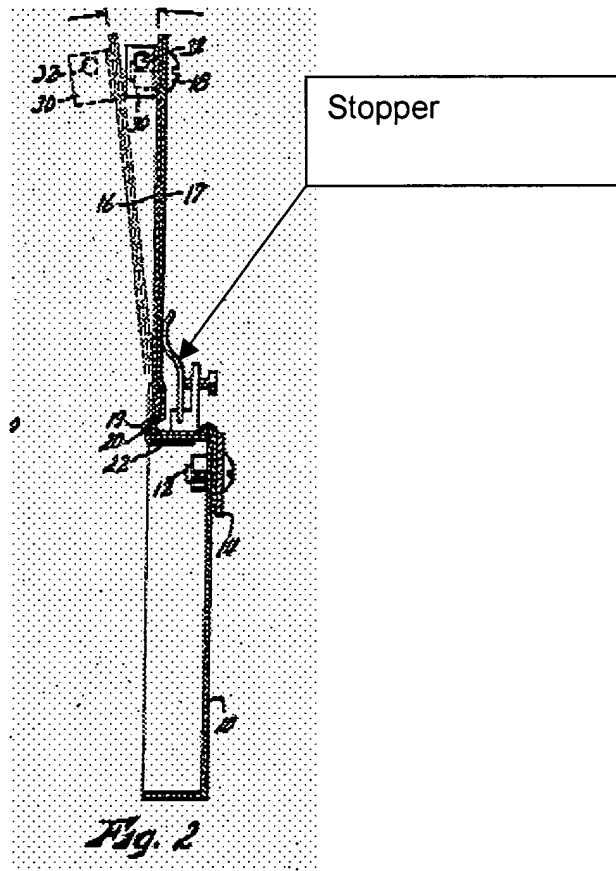
Ofu discloses a license plate holding bracket having a plain shaped gate side fixing member (20), a plain plate holding member (21) rotatably connected to the gate side fixing member (20) at an end side of the plate holding member which performs a reciprocal rotational movement, and a stopper (14) provided on the plate holding member. Ofu shows wherein the stopper 14 contacts both the bumper (See Fig.1) and the gate side fixing member (See Fig. 3).

Claims 1, 6 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 2803810 to Evans et al.

Evans et al. discloses a license plate holding bracket having a gate side fixing member (10), a plate holding member (16) rotatably connected to the gate side fixing

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member, a stopper (See Below) provided on the plate holding member, a locking mechanism with a latch (30, 32) arranged in a side of the plate holding member and a striker (34) arranged in a side of the gate fixing member and a biasing member (19).



Claim Rejections - 35 USC § 103

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japan 2004-182152 to Ofu as applied to claim 1 above and further in view of United States Patent No. 4302896 to Bott.

Ofu teaches the basic inventive concept with the exception that that it does not specifically disclose that the stopper is made from an elastic material.

Bott teaches a holding bracket with elastic bumpers (See Col. 4 lines 29-32) used for vibration damping due to its resilient and deformable properties. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teachings of Bott to have made the stopper of elastic material in order to dampen vibration.

Claims 8, 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japan 2004-182152 to Ofu as applied to claim 1 above and further in view of United States Patent No. 4270287 to Gimbel.

Ofu teaches the basic inventive concept with the exception that it does not disclose wherein the plate holding member has a hole therein and a resin member with a hook for detachably engaging the periphery of the hole, and a fixing member which is for fixing the resin member which could contact the tailgate, when the license plate is parallel with the tailgate, and a bolt arranged in the plate holding member and a nut.

Gimbel discloses a holding bracket (10) which teaches a plate holding member (44, 46) wherein the plate holding member (44, 46) has a hole therein, and a resin member (20, See Col. 3, line 37 for material) with a hook (14, 18) for detachably engaging the periphery of the hole, and a fixing member (36, 38) being a bolt (36) arranged in the plate holding member (44, 46) and a nut (38) which is for fixing the resin member (20) which could contact the tailgate (42) via the plate holding member (44,

46), when the license plate is parallel with the tailgate (42). This configuration is used so that the license plate has a detachable protective cover to protect the plate from dirt and the license tabs from theft. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teachings of Gimbel to have used the resin cover with the above configuration to keep the plate clean and intact.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

Claim 21 is allowed.

Claims 13-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art does not disclose a tailgate above a rear bumper with a gate side fixing member fixed to the tailgate and a plate holding member rotatably connected to the gate side fixing member and a stopper provided on the plate holding member for contacting the rear bumper when the tailgate is approximately horizontal and when the license plate is folded out, wherein there is a receiving cavity formed in the tailgate for the stopper.

The prior art also does not teach wherein the lock mechanism has a first end of a stay attached to a gate side fixing member for performing a reciprocal rotational movement and a member with a groove formed along the plate holding member, a pin arranged on a the side of a second end of the stay being passed through the groove, wherein the plate holding member is supported by the stay when the plate holding member is erected folded out on the gate side fixing member.

Conclusion

THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action. Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 571-272-6823. The examiner can normally be reached (M-F 8 a.m.-5:00 p.m.). If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached at 571-272-6788. The fax machine number for the Technology center is

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7571-273-8300 (formal amendments) or 571-273-6823 (informal amendments and communications). Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 571-272-3600.

A handwritten signature in black ink, appearing to read "Amy J. Sterling". The signature is written in a cursive, flowing style.

Amy J. Sterling

1/7/06